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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,222	07/18/2000	John M. Marynowski	048289-5003	8771

9629 7590 01/28/2004

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/618221

Applicant(s)

Grynowski

Examiner

Aron G

Art Unit

3524

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 11/26/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3624

### **DETAILED ACTION**

1. This action is issued in reply to applicant's Amendment A(Paper # 4) filed 11/26/03.
2. Claims 24,29-30,34 were amended.
3. Claims 1-39 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-39 as amended, are rejected under 35 USC 103(a) as unpatentable over Rickard(US Pat. No: 6,016,483) in view of Garber(US Pat. No: 5,963,923).
6. As per claims 1-39 as amended, Rickard teaches a method for the automated opening of options exchange with opening prices(Abstract) and where a calculator receives current price information for the option and uses the price information to generate the transaction value(Fig 2)(col 5 line 53-col 7 line 59) through various mechanisms(col 8 line 31-col 9 line 22).Rickard teaches the use of delta and gamma as the primary measures used by options traders(col 4 line 17-28) as well as market imbalances(col 11 line 24-col 16 line 30). Rickard teaches an automated opening of an

Art Unit: 3624

options exchange(Abstract)(col 5 line 63-col 7 line 47) whereby automated trading may be implemented in a second stage(col 7 lines 40-47)(col 17 lines 31-45). In addition to that taught by Rickard, Garber further teaches automated trading of currencies(Abstract). Garber further teaches a rolling spot options computer(Fig 2/35) as well as a rolling spot link options trading and management workstation(Fig 9) as well as an automated screen(Fig 10) which executes trades automatically(Fig 10)(col 9 line 54-col 10 line 47). Garber teaches a system for trading having a market maker in an asset(Abstract)(Figs 1-10) which may be the underlying asset for an option(Fig 4)(Fig 5) as well as decisions to buy or sell(Fig 5/35) and uses an exchange interface(Fig 1/14/12) as well as bid/ask markets(Fig 3/46) as well as linking the underlying asset with the option based on market conditions(Fig 3) from best bids/offers(Fig 3/42) as well as a first item being an option and the second item is an asset underlying the option(Fig 3). Garber also teaches a trading workstation for the underlying(Fig 4) and a trading workstation for the option(Fig 5) as well as receiving current market prices on options(Fig 10)(Fig 5). It would have been obvious to one skilled in the art at the time of the invention to combine Rickard in view of Garber to teach the disclosure. The motivation to combine is to teach an automated exchange trading system by merging the best aspects of a specialist system of combined trader and broker in options and the underlying asset as enunciated by Garber (col 3 lines 45-50).

Art Unit: 3624

***Response to Arguments***

6. Applicant's arguments have been considered but are not persuasive. Rickard teaches an automated opening of an options exchange(Abstract)(col 5 line 63-col 7 line 47) whereby automated trading may be implemented in a second stage(col 7 lines 40-47)(col 17 lines 31-45). Garber teaches automated trading of currencies(Abstract). Garber further teaches a rolling spot options computer(Fig 2/35) as well as a rolling spot link options trading and management workstation(Fig 9) as well as an automated screen(Fig 10) which executes trades automatically(Fig 10)(col 9 line 54-col 10 line 47).

***Conclusion***

**7. THIS ACTION IS MADE FINAL**

Art Unit: 3624

8. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



January 27, 2004

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER